THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 23945 of 2007

Date:13-11-2007

Between:
Mandepudi Subbaiah

…Petitioner

AND
The Revenue Divisional Officer, Vijayawada and another

..
Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondent No.1 in not passing the orders in the stay petition filed along with appeal filed by her against the impugned orders passed by the 2nd respondent vide Rc.No.89/128,129,130/2005 dated 11.07.2007 and another proceeding vide Rc.No.89/1289/2005, dated 11.07.2007, as illegal and arbitrary and consequently to grant stay of all further proceedings in pursuant to the orders issued by the 2nd respondent including the dispossession of the petitioner from the agricultural lands an extent of Ac.3.38 cents and Ac.3.16 cents situated in R.S.Nos.130/1A,130/1B, and 130-1C of Gummadidurru village, Penuganchiprolu mandal, Krishna District pending disposal of the appeal.

It is the case of the petitioner that as against the resumption orders passed by the Tahsildar, Penuganchiprolu in Rc.No.89/128,129,130/2005 dated 11.07.2007 and another proceeding vide Rc.No.89/1289/2005, dated 11.07.2007 in resuming the lands on the ground that he has purchased the assigned land in contravention of sub-section 2 of Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, the petitioner has filed an appeal before the first respondent/Revenue Divisional Officer on 06.11.2007. It is stated that along with the appeal, stay application has also been filed for grant of stay. It is stated that even before the appeal is considered and disposed of, the second respondent is taking steps to dispossess the petitioner from the said lands.

Having regard to the facts of the case, without expressing any

opinion with regard to the merits of the case, the writ petition is disposed of directing the appellate authority-first respondent/R.D.O. to consider and dispose of the said appeal filed by the petitioner against the order of the second respondent vide Rc.No.89/128,129,130/2005 dated 11.07.2007 and another proceeding vide Rc.No.89/1289/2005, dated 11.07.2007 and pending disposal of the said appeal, the petitioner shall not be dispossessed. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:13.11.2007
ccm